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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR-10-00007 JW
12)
Plaintiff,) STIPULATION AND [Proposed]
13) ORDER CORRECTING SENTENCE
vs.)
14)
LUIS ALONSO NUNEZ-ROMERO,)
15)
Defendant.)
16)

17 STIPULATION

18 Defendant Luis Alonso Nunez-Romero, by and through Assistant Federal Public
19 Defender Nicholas P. Humy, and the United States, by and through Special Assistant United
20 States Attorney David M. Paxton, hereby stipulate as follows:

21 On Monday, March 15, 2010, Mr. Nunez-Romero pled guilty, pursuant to an 11(c)(1)(C)
22 plea agreement, to illegal reentry after deportation, in violation of 8 U.S.C. § 1326. The plea
23 agreement signed by the parties erroneously indicated that Mr. Nunez-Romero's criminal history
24 category is Category IV. In fact, Mr. Nunez-Romero's correct criminal history category is
25 Category III. This error resulted in an incorrect sentence calculation. Although the plea
26 agreement states that the parties agreed to a sentence of 24 months, the correct sentence is 18

1 months, based upon the corrected criminal history category as well as the Northern District of
2 California Memorandum of Understanding concerning fast track resolutions.

3 The errors in the plea agreement resulted in the Court's finding of a criminal history
4 Category IV and the imposition of a sentence of 24 months.

5 The parties therefore stipulate and respectfully request that the Court exercise its authority
6 pursuant to Rule 35(a) of the Federal Rules of Criminal Procedure, to correct the sentence
7 imposed in this case, and to impose a sentence of 18 months of imprisonment.

8 IT IS SO STIPULATED.

9 Dated: March 16, 2010

10 _____/s/
11 NICHOLAS P. HUMY
Assistant Federal Public Defender

12 Dated: March 16, 2010

13 _____/s/
14 DAVID M. PAXTON
Special Assistant United States Attorney

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UNITED STATES OF AMERICA,)	No. CR-10-00007 JW
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Plaintiff,)	STIPULATION AND [PROPOSED]
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vs.)	
)	
LUIS ALONSO NUNEZ-ROMERO,)	
)	
Defendant.)	
_____)	

[Proposed] ORDER

GOOD CAUSE APPEARING, for the reasons set forth in the stipulation of the parties,
IT IS HEREBY ORDERED, pursuant to Rule 35(a) of the Federal Rules of Criminal Procedure,
that the findings made and sentence imposed on March 15, 2010 in the above-captioned case are
corrected as follows:

1. The Court HEREBY FINDS that the defendant's correct criminal history category is
Category III.
2. The defendant is HEREBY ORDERED to the custody of the Bureau of Prisons for a
term of 18 months.

IT IS SO ORDERED. The Clerk shall prepare an Amended Judgment.

Dated: March 19, 2010



THE HONORABLE JAMES WARE
United States District Court